

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL WILSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14CV899 RWS
)	
WAL-MART STORES EAST I, LP,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

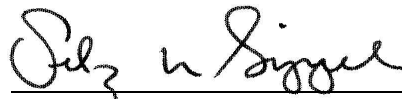
This case has been referred to mediation, with an ADR completion date of December 31, 2014. The designation of neutral is due on Monday, November 24, 2014, with mediation presumably set to follow soon thereafter. Despite this, defendant filed a motion for summary judgment yesterday, which would require plaintiff to respond during the time period he (and the defendant) should be preparing for mediation. This case was set for early mediation, with a dispositive motion deadline of April 1, 2015, precisely to **avoid**, if possible, the expense of retaining experts and motion practice.¹ While parties are certainly free to file motions for summary judgment before the deadline, in this case the timing could thwart an otherwise effective and good-faith mediation. Therefore, in the interests of justice and to “secure the just, speedy, and inexpensive determination” of this matter, see Fed. R. Civ. P. 1, I am denying the motion for summary judgment without prejudice to being re-filed in the event that the case does not settle in mediation. In the meantime, I would urge the parties to use their best efforts to

¹Although plaintiff will likely have to proffer his expert’s disclosure and possible deposition before the mediation takes place, mediation during the two-month window of November and December could still save the parties from needless discovery, the designation of defendant’s expert witness, and, as discussed, costly motion practice.

resolve this case in the manner contemplated by the scheduling order so as to avoid costly and time-consuming discovery and motion practice.

Accordingly,

IT IS HEREBY ORDERED that the motion for summary judgment [#19] is denied without prejudice to being re-filed, if necessary, after the conclusion of mediation.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of November, 2014.